



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,409	05/11/2001	Kevin P. Anderson	ISPH-0569	7066

26259 7590 07/03/2003

LICATLA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON, NJ 08053

EXAMINER
GUZO, DAVID

ART UNIT	PAPER NUMBER
1636	15

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

15

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

- SEE ATTACHMENT -

Art Unit: 1636

Attachment

The replies filed on 4/14/03 and 5/6/03 are not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have amended the elected claims (23-24) to read on non-elected subject matter. Additionally, applicants have added new claims 25-27 which are also directed to non-elected subject matter. Specifically, all the pending claims now read on compositions comprising nucleic acids complementary to HCV sequences (the subject matter of Group I, non-elected) or methods of inhibiting HCV replication or treating HCV associated diseases in animals (the subject matter of Group II, non-elected). Since all the currently pending claims are directed to non-elected subject matter, the amendments filed 4/14/03 and 5/6/03 must be considered to be non-responsive.

Newly submitted (or amended) claims 23-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: (See above and the original Restriction Requirement mailed 10/2/02).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-27 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to

Art Unit: 1636

avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED


• UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo, Ph.D., whose telephone number is (703) 308-1906. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Irem Yucel, Ph.D., can be reached on (703) 305-1998. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242. Faxes may be sent directly to the examiner at (703) 746-5061.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

David Guzo
July 1, 2003


DAVID GUZO
PRIMARY EXAMINER